

not need a constitutional amendment that protects our right to inform ourselves, but section 215 of the PATRIOT Act makes us think it should be removed. I support this amendment.

Mr. Chairman, I rise in strong support of the Freedom to Read amendment.

This amendment would abolish section 215 of the PATRIOT Act. Section 215 gives the FBI unlimited power to examine our library records and book-store purchases—without providing any evidence that one is under suspicion of terrorism.

The free library is one of America's great educational and cultural traditions, and a cornerstone of our communities. But under the PATRIOT Act, use of the local library is no longer free. It can cost you your civil liberties, and in the United States of America, that makes it very expensive.

We aren't talking about flag burning here. We're talking about the basic right to inform yourself without the threat of the Federal Government looking over your shoulder for whatever reason it likes.

When you are doing research in a library or browsing the bookshelves at Barnes and Noble, you shouldn't have to think twice about how your intellectual curiosity might be analyzed in a Federal investigation. This is a chilling thought in a country that calls itself the Land of the Free.

The first amendment protects our right to express ourselves. We shouldn't need a constitutional amendment that protects our right to inform ourselves. But section 215 of the PATRIOT Act makes you wonder.

It's imperative that we do all we can to protect our country against terrorism.

Reinstating laws that allow the FBI to conduct searches on library and bookstore records with search warrants and criminal subpoenas would not jeopardize national security. It would merely protect our constitutional right to privacy and make our Nation's libraries free again.

Support the Freedom to Read amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time. I have high regard for the gentleman from Vermont, my good friend, and the gentleman from Idaho (Mr. OTTER), and I regret that I have to oppose their amendment. But I want to tell the Members why.

Obviously the PATRIOT Act does suspend some constitutional liberties. I am one of those people who loves the Constitution and believes we should not tamper with it. The problem that we have is that on 9/11 we had over 3,000 of our fellow Americans killed by terrorists because we did not know in advance what was going to happen. This is not the kind of situation where we can wait and say, okay, we suspect something is going on, we go get a court order from a judge and say, we think this guy is going to do something, and we go get him because in the interim he may have killed 4-, 5-, or 10,000 people. We have to nail that son of a gun before the act takes place.

So although some of our liberties have been temporarily suspended, the

FBI told us yesterday, and many of us were at that meeting, that the PATRIOT Act has been very beneficial in stopping further terrorist attacks here in the United States of America.

The PATRIOT Act expires in the year 2005, next year; so we will have a chance to review it again. It has to be renewed because it has a sunset provision because we are all concerned about the Constitution. But we are in a war against terrorism right now. We cannot wait for a terrorist attack to take place and then say, oh, my gosh, why did we not do something about it? We have to use every tool that is available to us to prevent that attack from taking place in the first place, because once it happens, then God help us all.

So the FBI and the CIA and all of our intelligence people tell us right now the PATRIOT Act is a very valuable tool in preventing further terrorist attacks on America. We should not be tinkering with it right now. Next year we can review it, but right now in a war against terrorism, we were told yesterday that we may be in attacks this summer, and we have to do everything we can to prevent it. And that means do not mess with this thing right now, even though I love my good friend from Vermont.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just rise today in strong support of this amendment and thank the sponsors, especially the gentleman from Vermont for his leadership on this issue. Last year the gentleman from Vermont (Mr. SANDERS) came to my district where hundreds came to express opposition to this provision of the very onerous legislation that we are talking about before us today. Under section 215 of the PATRIOT Act, the FBI has the power to search for any tangible things, including books, records, papers, documents, and other items, in any location after showing minimal justification. This punishes all Americans and really has nothing to do with tracking down terrorists.

This amendment would allow the FBI to follow the procedures already in current law to obtain warrants to retrieve records for terrorist-related or criminal investigations. But come on. Families should not be afraid to check out children's books for fear that they may be investigated for collaborating with terrorists.

This amendment would restore and protect the privacy which is afforded to us by our first amendment, the rights of library and book store patrons which were in place before the USA PATRIOT Act. Those that did not know this was written in in the dark of the night, this was written in, we now know. Today we have a chance to get back the rights guaranteed by our Founding Fathers.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, eliminating these authorities, as this amendment would do, would mean that we can get library records for run-of-the-mill criminal investigations with a grand jury subpoena that does not require a court order or judicial review, and it would also mean that we would be eliminating or restricting section 215 of the PATRIOT Act, and that would preclude the government from getting the identical library records as the run-of-the-mill investigation I mentioned earlier to protect national security interests of the United States. This is at best inconsistent with regard to law enforcement.

Congress recognized this inconsistency and corrected it in the U.S. PATRIOT Act. For example, today by grand jury subpoena the government can obtain similar records, library or other business records, related to the crime of cattle rustling under Title 18 U.S.C. section 2316. But under this amendment we could not get identical records using a court order for terrorism-related information.

Section 215 of the PATRIOT Act only applies to the foreign intelligence investigations and allows only for the collection of records for an investigation to protect against international terrorism or clandestine intelligence activities. This authority requires judicial review, whereas a grand jury subpoena for cattle rustling on the criminal side does not.

By exempting library records from the business records authority under section 215 of the PATRIOT Act, this amendment creates a safe haven for terrorists to communicate and do research on the next attack that is not created for cattle rustlers.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I believe in the freedom to read, and Americans' right to read and purchase books without fear of government monitoring has been wiped out, it has been erased, it has been undone by the passage of the PATRIOT Act. Congress must repeal this unconstitutional provision, and we must do it today with this amendment.

The PATRIOT Act forces library users to self-censor their reading choices out of fear. Mr. Chairman, censorship is not what America is about. The existing law would make one believe that by reading a book, the 9/11 terrorists came into existence. The existing law would lead one to believe that books are the enemy. Let us not forget the book burnings in Germany. Books are only the enemy if we do not want our population to be educated.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, just a short time away from